MEMBER SERVICES

House Communications Office

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TOMORROW'S FORECAST

- * The House will reconvene for its 31st Legislative Day on Tuesday, March 14, at 1:00 pm.
- * 3 bills are expected to be debated on the floor.

GEORGIA HOUSE OF REPRESENTATIVES

DAILY REPORT

MONDAY, MARCH 13, 2006

LEGISLATIVE DAY#30

TODAY ON THE FLOOR

Speaker of the House, Rep. Glenn Richardson, gaveled the House into session today, at 9:00 am, for the 30th Legislative Day (Crossover Day) of the 2nd Session of the 148th General Assembly.

DEBATE CALENDAR

HB0111 Sales and use tax; change certain definitions

- This bill removes a prime or general contractor's requirement to withhold retainage (2% of the contract amount on contracts in excess of \$250,000) or the requirement for a bond for sales and use tax purposes on resident subcontractors. Resident subcontractors primarily purchase items from Georgia suppliers that impose the proper sales tax at the time of purchase. It also significantly reduces the work required on general and prime contractors and the Department of Revenue. It removes a burdensome process from the contracting industry for resident subcontractors and serves to improve the efficiency of the Department of Revenue by reducing the cost to administer this statute. The requirement for a general or prime contractor to withhold retainage or require a bond on nonresident contractors is not being changed. Nonresident contractors bring items and machinery into Georgia that may result in a use tax liability. In the event the nonresident contractor does not properly file and remit Georgia use tax on those purchases, the retainage is applied to the subcontractor's tax liability.
- Authored By: Rep. Larry O'Neal
- Special House Rules Applied: Structured
- House Committee: Ways & Means
- **Yea**: 155 **Nay**: 0

HB0304 Business and occupation tax; certain regulatory fees by local governments

- This bill defines the methods in which regulatory fees are determined by providing six different methods spanning from flat fees to hourly rates to International Code Council data. This bill further specifies that HVAC, electrical, or plumbing work for the comfort of the customer or to protect or maintain property can be done prior to getting the permit and paying the permit fee.
- Authored By: Rep. Sue Burmeister
- Special House Rules Applied: Open
- House Committee: Ways & Means
- **Yea**: 161 **Nay**: 2

HB0338 Hunting; primitive weapons; amend provisions

- This bill would make it legal to use modern scopes on primitive muzzle loading firearms. Also updates a date reference to departmental rules and regulations. A large number of hunters who pursue their pastime with primitive weapons (muzzle loaders, for example) also find themselves with declining visual acuity. This bill would make it legal to use modern scopes on primitive muzzle loading firearms, and also hopefully decrease the number of poorly aimed shots that may result in wounding the animal.
- Authored By: Rep. Pete Warren
- Special House Rules Applied: Open
- House Committee: Game, Fish & Parks
- **Yea**: 154 **Nay**: 6

HB0379 Employees' Retirement; disability benefits; eligibility provisions

- Bill provides that a member of ERS applying for a disability retirement must notify the employing agency and that the employing agency shall determine if an alternative position is available for such employee. Also, the bill provides that the requirements for the alternative position must be compatible with the medical condition of the employee and that the pay, duties and the chance for advancement are the same or greater that the current position. The alternative position shall be offered, in writing, not later than 45 days after submitting the application for disability. The member shall accept or dispute his/her ability to do the job offered by submitting a written appeal to the agency within 30 days after receiving the offer. In the event of an appeal, all the information is sent to the Medical Board of ERS to make a final determination. If the Medical Board determines that the member is unable to perform the task required, for either the position held or the position offered, the member shall be placed on disability retirement. If such employee refuses to accept an offer of alternative employment, or after losing an appeal, does not accept a position, he/she shall not be eligible for a disability retirement.
- Authored By: Rep. Ben Bridges
- Special House Rules Applied: Open
- House Committee: Retirement
- Yea: 163 Nay: 0

HB0483 Teachers Retirement; credit for prior service

- Bill would allow members of TRS to obtain creditable service for service as a temporary full-time employee. The service must have been prior to January 1, 1980 to be eligible for creditable service. To obtain creditable service, member must pay to the board the employee and employer contribution, plus interest, by December 31, 2006.
- Authored By: Rep. Bob Lane
- Special House Rules Applied: Open
- House Committee: Retirement
- Yea: 156 Nay: 0

HB0547 Impact fees; single family construction; provide maximum

- This bill provides for a maximum amount of impact fees which may be imposed with respect to the construction of a new single family residence. The amount is to be no more than \$10,000.00 or 2% of the value, whichever is less.
- Authored By: Rep. John Lunsford
- Special House Rules Applied: Open
- House Committee: Governmental Affairs
- **Yea**: 133 Nay: 32

HB0582 Employees' Retirement; temporary full-time service; obtain creditable service

- Bill allows members to obtain up to 12 months of creditable service for service as a temporary full-time employee at any time prior to becoming a member of ERS, including any period of time the member was covered by the Georgia Defined Contribution Plan (GDCP) (currently, this option is not available to members if such service time was covered by the GDCP). Member is required to pay the employee and employer contributions with interest. Bill also allows members, who immediately prior to becoming members of ERS, were covered under the GDCP, to obtain creditable service for total prior service under the GDCP. For purposes of this code section, one month equals 20 days (160 hours) and to obtain the creditable service, the member must pay the full actuarial cost.
- Authored By: Rep. Henson Mosley
- Special House Rules Applied: Open
- House Committee: Retirement
- **Yea**: 156 **Nay**: 7

HB0654 All-terrain vehicles; additional definitions; provisions

- This bill provides for additional definitions relative to all-terrain vehicles. It creates a two classes of ATVs based on dry weight.
- Authored By: Rep. Bobby Reese
- Special House Rules Applied: Structured
- House Committee: Motor Vehicles
- **Yea**: 166 **Nay**: 0

HB0710 Special license plates; identifying persons with diabetes

- This bill creates special license plates such as those identifying persons with diabetes, which do not designate funds.
- Authored By: Rep. Charles Jenkins
- Special House Rules Applied: Open
- House Committee: Motor Vehicles
- Yea: 162 Nay: 0

HB0848 Homestead exemption; senior citizens; actual levy amount

- This bill provides for a state homestead exemption on the primary residence with up to ten contiguous acres for residents 65 and over. This exemption will be renewed annually and shall not apply to county, municipal, or school district taxes. This exemption shall be in addition to and not in lieu of any other homestead exemption from state taxes. A state referendum is required and shall be included on the November 2006 ballot.
- Authored By: Rep. Mark Butler
- Special House Rules Applied: Structured
- House Committee: Ways & Means
- **Yea**: 143 **Nay**: 18

HB0873 Physician's assistants; public health or state of emergency; render assistance

- This bill grants expanded authority to licensed physician's assistants to provide medical care for the duration of a state of emergency or public health crisis.
- Authored By: Rep. Len Walker
- Special House Rules Applied: Open
- House Committee: Health & Human Services
- **Yea**: 162 **Nay**: 0

HB0874 Public disclosure of records; certain exception; clarify

- Relates to exceptions and exemptions to requirements for disclosure of public records, so as to clarify an exception; to provide that public disclosure shall not be required for records that are specifically required by federal statute or regulation to be kept confidential; to repeal conflicting laws; and for other purposes.
- Authored By: Rep. Jill Chambers
- Special House Rules Applied: Structured
- House Committee: Judiciary
- **Yea**: 155 **Nay**: 0

HB1008 "Georgia Hospice Law"; palliative care; amend provisions

- This bill would allow health facilities to alleviate pain and symptoms without attempting to cure terminally ill patients with longer than six months to live.
- Authored By: Rep. Buddy Carter
- Special House Rules Applied: Open
- House Committee: Health & Human Services
- **Yea**: 159 **Nay**: 3

<u>HB1044</u> Firearms; carrying and possession; municipal and city court judges; amend provisions

- Amends Code section 16-11-130 to treat full and part-time municipal and city judges the same with regard to exemptions from state weapons requirements. Currently the Code makes an exception for full-time municipal and city judges, but not part-time judges.
- Authored By: Rep. Mike Cheokas
- Special House Rules Applied: Open
- House Committee: Judiciary Non-Civil
- **Yea**: 148 **Nay**: 15

<u>HB1121</u> Sales and use tax exemption; National Infantry Museum and Heritage Park; provisions

- This bill provides for a sales tax exemption for all tangible personal property used in direction connection with the construction or improvement of the National Infantry Museum and Heritage Park at Fort Benning from July 1, 2006 until June 30, 2008.
- Authored By: Rep. Richard Smith
- Special House Rules Applied: Structured
- House Committee: Ways & Means
- Yea: 164 Nay: 0

HB1168 Winery; tasting room; permit sales

- HB 1168 would allow wineries to sell distilled spirits, malt beverages, and wines in their tasting rooms.
- Authored By: Rep. Ron Stephens
- Special House Rules Applied: Open
- House Committee: Regulated Industries
- **Yea**: 142 **Nay**: 15

HB1193 Vehicles; false or secret compartments; prohibit owning or operating

- Defines "false or secret compartment"; To knowingly use a vehicle containing a false or secret compartment or to install a compartment into a vehicle is punishable by a fine of not more than \$10,000.00 or up to 2 years in prison or both
- •Allows law enforcement to seize both the vehicle and the contents of the compartment when discovered
- Authored By: Rep. David Knight
- Special House Rules Applied: Open
- House Committee: Judiciary Non-Civil
- **Yea**: 152 **Nay**: 9

HB1195 Civil case; complaints and judgments; change provisions

- Ensures that a civil action is not considered filed until the civil case form is properly filled out; Requires that judgment not be entered until the civil case form is filed
- Authored By: Rep. Wendell Willard
- Special House Rules Applied: Open
- House Committee: Judiciary
- Yea: 111 Nay: 51

HB1222 Motor vehicles; alcohol, drugs, or other substances; provisions

- Allows other constitutional means, such as probable cause and a request for a search warrant, to be exercised in obtaining evidence of intoxication; removes the requirement that a driver be under arrest prior to reading implied consent; creates only one implied consent warning to replace the four different ones in current law; consolidates DUI and implied consent language in the statute to that it is organized and logical; allows for a per se DUI violation for schedule I-controlled substance violations; expands the language on which medical personnel are qualified to obtain blood samples; creates a comprehensive immunity provision for medical personnel.
- Authored By: Rep. Mark Hatfield
- Special House Rules Applied: Structured
- House Committee: Judiciary Non-Civil
- **Yea**: 76 **Nay**: 84
- This bill failed to reach the requisite constitutional majority.

HB1223 County Board of Health; contracts; revise certain provisions

- This bill does several things concerning the operations of County Boards of Health, including preventing Boards from acting as service boards but allowing concurrent membership on such boards, clarifies the definition of a CSB and their boundaries, sets guidelines for the composition of the boards, provides for the appointment of board directors, treats CSBs as private corporate entities, incorporate non-profit organizations, provides for high level oversight of CSBs, and sets their tort liability as in line with that of the state, while also exempting them from anti-trust governance.
- Authored By: Rep. Jeff Brown
- Special House Rules Applied: Open
- House Committee: Health & Human Services
- **Yea**: 167 **Nay**: 1

HB1227 Agricultural Education Oversight Commission; create

- This bill provides for the creation of the Agricultural Education Oversight Commission for the purpose of reviewing the conditions, needs, issues, and problems related to the agricultural education program, issuing an annual report on the same to the General Assembly, and recommending any action or legislation which the commission deems necessary or appropriate. In addition, it provides for membership, filling of vacancies, terms, officers, meetings, and reimbursements of members of the commission.
- Authored By: Rep. Terry England
- Special House Rules Applied: Open
- House Committee: Education
- **Yea**: 152 **Nay**: 7

HB1228 Career and Technical Education Oversight Commission; create

- This bill provides for the creation of the Career and Technical Education Oversight Committee for the purpose of reviewing the conditions, needs, issues, and problems related to the agricultural education program, issuing an annual report on the same to the General Assembly, and recommending any action or legislation which the commission deems necessary or appropriate. In addition, it provides for membership, filling of vacancies, terms, officers, meetings, and reimbursements of members of the commission.
- Authored By: Rep. Terry England
- Special House Rules Applied: Open
- House Committee: Education
- **Yea**: 148 **Nay**: 10

HB1230 Georgia Development Impact Fee Act; change certain provisions

- This bill changes certain provisions in the "Georgia Development Impact Fee Act." Further, HB 1230 increases community participation in development impact fee advisory committees and provides for the expenditure of impact fees.
- Authored By: Rep. Ed Lindsey
- Special House Rules Applied: Open
- House Committee: Governmental Affairs
- **Yea**: 69 Nay: 97
- This bill failed to reach the requisite constitutional majority.

HB1244 Motor fuel; public mass transit; change certain provisions

- This bill provides for an exemption on motor fuel sales by bulk distributors to public transportation systems from July 1, 2006 through June 30, 2008. Such systems include those that are eligible to receive funds pursuant to 49 U.S.C. 5307 and 5311. Current law offers the exemption on buses owned by state and local governments or an entity created by general or local law, however, this bill extends the exemption to vehicles owned by public transportation systems which includes vans, minibuses or other vehicles that have the capacity to transport seven or more passengers.
- Authored By: Rep. Martin Scott
- Special House Rules Applied: Structured
- House Committee: Ways & Means
- **Yea**: 163 Nay: 2

HB1248 Alcoholic beverages; comprehensive revision of provisions; provide

- HB 1248 repeals the outdated "tax stamp" on alcoholic beverages, and requires a licensed bond for distillers/ manufacturers, wholesale dealers/importers, and brokers for the sale of wine, beer, and liquor. Retailers will be exempt from the bond requirement for the sale of any alcoholic beverages under HB 1248. Relating to local government licensing powers, HB 1248 requires that applicants only need to furnish fingerprints to the GBI once as a prerequisite of receiving an initial permit or license. HB 1248 also strengthens the ability of law enforcement to issue a citation or summons for a person who does the following: knowingly purchases alcohol for a person under 21 years of age, misrepresents his/her age to purchase alcohol, acts as an agent to purchase alcohol, or uses false identification for purchasing alcohol.
- Authored By: Rep. Roger Williams
- Special House Rules Applied: Open
- House Committee: Regulated Industries
- **Yea**: 146 **Nay**: 14

HB1249 Ad valorem taxation exemption; watercraft in inventory; provide

- This bill provides for an ad valorem inventory tax exemption on watercraft held in inventory for resale.
- Authored By: Rep. Stacey Reece
- Special House Rules Applied: Structured
- House Committee: Ways & Means
- **Yea**: 146 **Nay**: 13

HB1259 Private detectives and private security officers; licensing; revise

- This bill adds to the definition of "private detective business" those which provide protection of persons from death or serious bodily harm. This bill would allow the chief security officer of a company desiring to be in the private security business to apply for a license, if that individual meets the requirements for a license. Currently only the "corporate officer" of a company may apply for a license for the company. In addition to the initial applicant, the bill would allow additional individuals from the company to qualify to hold the license for the company. This bill adds to the range of qualifications for a license that the applicant has had at least two years experience as a supervisor or administrator in in-house investigations or at least two years experience as a peace officer. With respect to a firearm permit, the bill would allow an applicant to carry a firearm provided that he or she is not prohibited from possession of a firearm by state or federal law. However the board may refuse to grant or revoke a weapons permit if the person is not permitted to carry a firearm per 16-11-129.
- Authored By: Rep. Calvin Hill
- Special House Rules Applied: Open
- House Committee: Judiciary Non-Civil
- **Yea**: 158 **Nay**: 1

HB1273 Security deposits; escrow accounts; change certain provisions

- Replaces "his" with "such landlord's" when referring to a landlord's agent. Further strikes the escrow account number from information that would be provided to a tenant.
- Authored By: Rep. Larry O'Neal
- Special House Rules Applied: Open
- House Committee: Judiciary
- **Yea**: 155 **Nay**: 7

HB1282 Deeds; recording; provisions

- Amends 44-2-30 so as to create a form for notice of settlement with regards to deeds as well as provide for an index and fees for same.
- Authored By: Rep. David Ralston- Special House Rules Applied: Open
- House Committee: Judiciary

- **Yea**: 154 **Nay**: 5

HB1290 Telephone service provider; customer records; prohibit sale or transfer

- This bill prohibits the sale or fraudulent transfer or use of the records of a customer of a telephone service provider with the exemption of law enforcement agencies engaged in their lawful duties.

The bill also punishes the sale or fraudulent transfer or use of such records with a fine of not more than \$250,000.00 or up to ten years imprisonment or both

- Authored By: Rep. Cecily Hill
- Special House Rules Applied: Open
- House Committee: Judiciary Non-Civil
- Yea: 165 Nay: 0

HB1300 Bonds; aggregate amount; raise

- This bill raises the maximum aggregate amount of revenue bonds issued by the public safety and judicial facilities authorities from \$50 million to \$80 million.
- Authored By: Rep. Michele Henson
- Special House Rules Applied: Structured
- House Committee: Ways & Means
- **Yea**: 72 **Nay**: 77
- This bill failed to receive the requisite constitutional majority.

HB1302 Georgia Street Gang Terrorism and Prevention Act; change certain provisions

- Bill amends 16-15-3 so as to define criminal gang activity as the commission or solicitation of another person to commit racketeering, stalking, aggravated sodomy, statutory rape, aggravated sexual battery, confinement, use of dangerous instrumentalities, violation of security of correctional facilities, encouraging a child to escape custody, creating any form of graffiti, and committing a violation any other U.S. law. Provides that any person who violates said code section will face 5 to 15 years in jail and/or a fine of \$10,000.00 to \$15,000.00. Provides that any individual who fails to check in at designated location at a school and does not leave upon request of the principal or designee will be in violation of a misdemeanor.
- Authored By: Rep. David Casas
- Special House Rules Applied: Open
- House Committee: Judiciary Non-Civil
- **Yea**: 124 **Nay**: 45

HB1305 Seed - Capital Fund; investments; provisions

- This bill expands the definition of "investment entity" to include any entity as to which the state is the sole limited liability owner. By expanding the definition, the state as a sole limited liability owner will be able to invest Seed-Capital moneys by and through investment entities as to which the state is a sole limited liability owner.
- Authored By: Rep. Amos Amerson
- Special House Rules Applied: Structured
- House Committee: Ways & Means
- **Yea**: 160 **Nay**: 0

HB1307 Georgia Register; publication; change certain provisions

- This bill would cause the Georgia Register to be published in an electronic format only.
- Authored By: Rep. Barry Loudermilk
- Special House Rules Applied: Open
- House Committee: Science & Technology
- Yea: 163 Nay: 1

HB1318 Board and Department of Corrections; employee benefits; provisions

- This bill provides authority to place vending machines on the premises of department facilities for the benefit of employees. The profits generated from the vending services will be maintained by the local facility (under the authority of the executive director of the facility) in an interest bearing account designated as the 'employee benefit fund.' The employee benefit fund account of each facility shall be reviewed and audited by the administrative office of the local facility and by the department in accordance with standards and procedures established by the department. No account shall maintain funds in excess of \$5,000.00. Any funds collected causing the balance to exceed \$5,000.00 will be remitted to the department's general operating budget.

- Authored By: Rep. Terry Barnard
- Special House Rules Applied: Open
- House Committee: State Institutions & Property
- **Yea**: 160 **Nay**: 0

HB1342 Nonprofit organizations; noncash prizes; provisions

- Excludes non-profit give-away prizes that cannot be exchanged for cash from the definition of lottery.

Allows non-profits to give away non-cash prizes. Winners will not be required to pay to be eligible, make a purchase or be present to win.

- Authored By: Rep. Harry Geisinger
- Special House Rules Applied: Open
- House Committee: Judiciary Non-Civil
- **Yea**: 54 **Nay**: 103
- This bill failed to receive a requisite constitutional majority.

HB1359 Georgia Assignment Pool Underwriting Authority; create

- This bill creates the Georgia Assignment Pool Underwriting Authority. Further, HB 1359 provides alternative mechanism coverage for the availability of individual health insurance. This bill provides for an assignment pool underwriting board, the selection of an administrator, and for the establishment of rates.
- Authored By: Rep. Ron Forster
- Special House Rules Applied: Open
- House Committee: Insurance
- Yea: 122 Nay: 35

HB1361 Redevelopment Powers Law; change certain definitions

- This bill makes several changes to the Redevelopment Powers Law. The term "ad valorem property taxes" are redefined so as to exclude those taxes levied on personal property or on motor vehicles and those levied on the assessed value of property owned by public utilities and railroad companies. The definition of redevelopment costs is also amended so that payments to a political subdivision or board of education shall not exceed the amount of contribution to the tax allocation increment in any year by such entity. The bill further states that the resolution of any political subdivision or board of education which agrees to the inclusion of property taxes in the tax increment computation shall not specify the inclusion of any property taxes unspecified in the enacting TAD resolution.
- Authored By: Rep. Chuck Martin
- Special House Rules Applied: Structured
- House Committee: Ways & Means
- **Yea**: 156 **Nay**: 6

HB1371 The Pharmacy Audit Bill of Rights; enact

- This bill enacts "The Pharmacy Audit Bill of Rights," provides for a short title, sets out a list of rights of pharmacies undergoing audits, provides for an appeal process, and provides for applicability. HB 1371 provides that any audit must be conducted by a pharmacist in this state and that the entity conducting the audit must give the pharmacy at least one week's notice prior to the initial audit. Further, this bill allows a pharmacy at least ten days to produce documentation to address any discrepancy found during an audit.
- Authored By: Rep. David Graves
- Special House Rules Applied: Open
- House Committee: Insurance
- **Yea**: 167 **Nay**: 0

HB1392 Drivers; right of way violation; collision; provide penalties

- Bill provides that any person who causes a collision with a motorcyclist, bicyclist, or pedestrian by committing any violation of right of way will be guilty of a misdemeanor and will face a fine of no less than \$250.00 along with any other penalties.
- Authored By: Rep. Bill Hembree
- Special House Rules Applied: Modified-Structured
- House Committee: Motor Vehicles
- **Yea**: 156 Nay: 1

HB1412 Certain government vehicles; clean and renewable fuels; require use

- The bill requires the state, cities and counties, and local boards of education on and after January1, 2007 to use clean and renewable fuels, such as biodiesel and ethanol, in any vehicles they operate when such fuel is compatible to the technology of the vehicle.
- Authored By: Rep. Tommy Smith
- Special House Rules Applied: Open
- House Committee: State Planning & Community Affairs

- **Yea**: 161 Nay: 1

HB1417 Administrative Office of the Courts; assist board of jury commissioners; allow

- This bill would allow the Administrative Office of the Courts to assist the board of jury commissioners in compiling, maintaining, and revising the lists of trial jurors and grand jurors. The bill would also amend Code Section 40-5-2 to provide for a cross-reference to the Administrative Office of the Courts receiving certain information.
- Authored By: Rep. David Ralston
- Special House Rules Applied: Open
- House Committee: Judiciary Non-Civil
- **Yea**: 162 **Nay**: 2

HB1424 Dogs; hunting; change certain provisions

- Several years ago there was a problem with deer hunters who use dogs to hunt. There had been numerous complaints from landowners about the dogs coming onto their property in pursuit of a deer and the hunters' who owned the dogs coming onto the property to retrieve the dogs without first obtaining the permission of the landowner. Some situations got out of hand and a legislative solution was sought and gained. Since that time, the majority of the deer/dog hunters have since cleaned up much of the problem, but now there is concern among many deer/dog hunters that the current legislation unfairly targets hunting clubs who hold club permits whereby a rogue member could jeopardize the club's dog hunting permit. This legislation is a compromise reached by the dog hunters in conjunction with interested parties. This compromise allows the hunting clubs to enjoy some relief from the fear that a few hunters might jeopardize the club's dog hunting tract permit while also protecting the rights of neighboring landowners. This bill would require a permit for the dog, would allow for a cause of action against the dog owner upon the third cumulative violation of the dog roaming onto neighboring property, and a cause of action against the tract permit holder (e.g. hunting club) if any two members or guests violate the above provision once in the same season.
- Authored By: Rep. Tommy Smith
- Special House Rules Applied: Open
- House Committee: Agriculture & Consumer Affairs
- **Yea**: 154 **Nay**: 7

HB1436 Wine; restaurant patrons; resealed partially consumed bottle; authorize

- Bill allows a resealed bottle of wine, when purchased with a full course meal, to be transported by a patron out of the establishment in which said bottle was purchased. If transported in a vehicle, said bottle must be put in a locked glove compartment, trunk, or the last upright seat in the vehicle, if a glove compartment or trunk are not available.
- Authored By: Rep. Bob Smith
- Special House Rules Applied: Modified-Open
- House Committee: Judiciary Non-Civil
- **Yea**: 128 Nay: 25

HB1445 Prescription drugs; effects on pregnancy; provisions for pharmacist

- HB 1445 would allow any pharmacist to refuse to fill a prescription drug which he believes is designed to terminate a pregnancy. However, the pharmacist would need to make all reasonable efforts to locate another pharmacist who is willing to fill the prescription, or else the pharmacist must immediately return the prescription to the prescription holder. Under 1445, the pharmacist would need to state his moral or religious objection in writing, but the written refusal could not be the basis for any disciplinary or recriminatory action against the pharmacist.
- Authored By: Rep. James Mills
- Special House Rules Applied: Modified-Structured
- House Committee: Regulated Industries
- Motion to Table adopted

<u>HB1451</u> Long-term Care Partnership Program; revise certain definitions

- In accordance with Section 6021 of the Federal Deficit Reduction Act of 2005 the Georgia Long-term Care Partnership Program is established and this legislation brings state law in line with federal regulations.
- Authored By: Rep. Donna Sheldon
- Special House Rules Applied: Open
- House Committee: Human Relations & Aging
- **Yea**: 161 **Nay**: 0

HB1456 Accident and sickness policy; age of dependent; provisions

- This bill provides availability of an accident and sickness policy upon termination of dependent coverage based on the age of the dependent. Further, this bill changes requirements as to individual accident and sickness policies to insure certain dependent children of the insured up to and including age 25. HB 1456 also requires that certain group accident and sickness insurance policies insure certain dependent children of the insured up to and including age 25.
- Authored By: Rep. John Meadows

- Special House Rules Applied: Open

- House Committee: Insurance

- **Yea**: 162 **Nay**: 1

HB1460 Shrimp and shrimping; lawful methods of; size of cast nets; change provisions

- Section 1- Newly defines, 'Bait shrimp cast net' to mean a cast net with 3/8" mesh size and radius not greater than 8 fee. Section 2-Modifies definition of 'Commercial cast net,' to remove the maximum radius requirement. Under this definition, net size radius is unlimited; the minimum mesh size remains at 5/8" inch bar mesh. Strikes and reserves the definition of 'recreational bait shrimp cast net'

- Authored By: Rep. Cecily Hill

- Special House Rules Applied: Open - House Committee: Game, Fish & Parks

- **Yea**: 151 **Nay**: 15

HB1473 Social Security Act; certain waivers; require prior legislative approval

- A BILL to be entitled an Act to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, so as to require prior legislative approval for the submission of certain waivers pursuant to Section 1115 of the federal Social Security Act; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

- Authored By: Rep. Jeff Brown

- Special House Rules Applied: Open

- House Committee: Appropriations

- **Yea**:164 **Nay**: 1

HB1483 Quality Basic Education Act; amend provisions

- This bill requires two public hearings prior to decreasing any local salary supplement when there has been an increase in the state minimum salary schedule. These meetings shall be after school hours.

- Authored By: Rep. Don Parsons

- Special House Rules Applied: Open

- House Committee: Education

- **Yea**: 156 **Nay**: 0

HB1484 Personal insurance; insurable interest; clarify circumstances

- HB 1484 clarifies the circumstances under which an insurable interest exists with respect to personal insurance.

- Authored By: Rep. Steve Tumlin

- Special House Rules Applied: Open

- House Committee: Insurance

- **Yea**: 161 **Nay**: 0

HB1490 State park lakes; watercraft; change provisions

- This bill is a consumer protection bill targeted at the problem of stolen boats/vessels in Georgia. According to FBI information, Georgia is #1 in the nation with respect to stolen vessels. Georgia has been known as the state to bring boats for registration prior to obtaining titles in other states. The way it happens is this: a stolen boat has the Hull Identification Number removed from the stolen vessel and the thieves then apply to GaDNR to get it registered. Until just a few years ago, it was possible to obtain registration in this state without a hull ID number. Once registration was obtained in Georgia, then thieves could take the boat to other states and use the Georgia registration information to obtain a title in that state. To correct this, additional clarifying language is added to the code in a fashion similar to vehicle identification numbers (VIN) as required for automobiles and other vehicles. The bill provides for penalties for violation of the section on removal or alteration of hull identification numbers.

- Authored By: Rep. Jon Burns

- Special House Rules Applied: Open

- House Committee: Game, Fish & Parks

- **Yea**: 149 **Nay**: 14

HB1502 State revenue commissioner; property appraisal and assessment; provide

- This bill authorizes the DOR commissioner to prescribe soil maps and other sources for documenting the eligibility as a bona fide conservation use property. Further the commissioner may also provide advance notice to taxpayers on changes which result in a breach of a covenant. Members of the county board of tax assessors are now required to complete 40 hours of training prior to or within 180 days of appointment to that board. Current law required the training to be completed within one year of the appointment. Further the commissioner is authorized to specify qualification requirements for certification.

- Authored By: Rep. Richard Royal

- Special House Rules Applied: Structured

- House Committee: Ways & Means

- **Yea**: 161 **Nay**: 1

HB1506 Businesses; revocation of certificate of registration; prohibit certain sales

- This bill increases the penalty for dealers who knowingly and willfully fail to collect sales tax, falsify returns, furnish a supplemental return, or fails to open records to inspection, from a fine of \$100 and imprisonment of up to three months, to a fine of \$5000 and imprisonment for up to a year. Further, a subsequent conviction will result in a fine of \$10,000 or imprisonment up to five years.
- Authored By: Rep. Penny Houston
- Special House Rules Applied: Structured
- House Committee: Ways & Means

- **Yea**: 162 **Nay**: 0

HR0030 Peace Officers' Annuity and Benefit Fund; retirement credit; funding - CA

- Proposing an amendment to the Georgia Constitution so as to provide that the General Assembly shall be authorized to enact legislation and appropriate funds providing for retirement credit for retired members of the Peace Officers' Annuity and Benefit Fund for prior service as a peace officer rendered prior to January 1, 1976 and to provide for membership for inactive peace officers who rendered service prior to January 1, 1976.
- Authored By: Rep. Tyrone Brooks
- Special House Rules Applied: Modified-Structured
- House Committee: Retirement
- **Yea**: 155 **Nay**: 0

HR1045 State lottery; HOPE Scholarship Program; designation of funds - CA

- The resolution allows for an amendment to the Georgia Constitution to protect lottery funds to be reserved only for HOPE and other tuition grants, scholarships or loans and for Pre-K and other educational shortfall reserves.
- Authored By: Rep. Rich Golick
- Special House Rules Applied: Structured
- House Committee: Higher Education
- Motion to Table this bill was adopted.

HR1094 Sales and use and motor fuel taxes; aviation fuel; revenue provisions - CA

- A BILL to be entitled an Act to amend Code Section 40-6-253 of the Official Code of Georgia Annotated, relating to consumption of alcoholic beverage or possession of open container of alcoholic beverage in passenger area of motor vehicle, so as to provide that a person convicted of such offense shall be guilty of a misdemeanor; to impose a cap of \$500.00 on the amount of a fine that may be imposed in the event of such conviction; to provide for related matters; to provide an effective date and for applicability; to repeal conflicting laws; and for other purposes.
- Authored By: Rep. Chuck Scheid
- Special House Rules Applied: Open
- House Committee: Appropriations
- Yea: 155 Nay: 6

HR1299 Trauma care; trust fund; provisions - CA

- A RESOLUTION proposing an amendment to the Constitution so as to provide that the General Assembly may by general law provide a trust fund for the purpose of paying hospitals for unreimbursed trauma care to victims of severe injury or trauma and make all provisions relating to such fund; to provide that the General Assembly may provide for a source of funding specifically designated for such fund, and that such fund shall not be subject to the lapsing provisions of the Constitution; to provide for the submission of this amendment for ratification or rejection; and for other purposes.
- Authored By: Rep. Ron Stephens
- Special House Rules Applied: Modified-Structured
- House Committee: Appropriations
- **Yea**: 159 **Nay**: 0

HR1345 Religious or faith based organizations; public aid; receive - CA

- This resolution proposes an amendment to the Georgia Constitution which mirrors the U.S. Constitution to prevent discrimination in the public funding of social services by allowing religious or faith based organizations to receive public aid, for the provision of such services and to provide for the submission of this amendment for ratification or rejection. The ballot submitting the proposed amendment shall have written or printed the following: "Shall the Constitution of Georgia be amended in a manner consistent with the United States Constitution so as to prevent; discrimination in the public funding of social services by allowing religious or faith based organizations to receive public aid, directly or
- Authored By: Rep. Vance Smith
- Special House Rules Applied: Structured
- House Committee: Human Relations & Aging

- **Yea**: 95 Nay: 74
- This bill failed to receive the requisite super constitutional majority.

HR1551 Joint Comprehensive Water Desalination Study Committee; create

- This bill calls for the creation of a study committee to study desalination of salt water along coastal Georgia.
- Authored By: Rep. Ron Stephens
- Special House Rules Applied: Open
- House Committee: Natural Resources & Environment
- **Yea**: 163 **Nay**: 0

SUPPLEMENTAL CALENDAR

HB0429 Setoff debt collection; claimant agencies; include public housing authorities

- This bill includes public housing authorities in the definition of "claimant agency." This inclusion will allow for a setoff of certain debts owed to public housing authorities.
- Authored By: Rep. Tommy Smith
- Special House Rules Applied: Structured
- House Committee: Ways & Means
- **Yea**: 144 Nay: 0

HB0731 Judicial Retirement; juvenile court judge; creditable service

- Bill provides than any person who was serving as a juvenile court judge on July 1, 2006 and who was not a member of any state or local retirement system may become a member of the Judicial System. The decision to join the system is irrevocable and must be made in writing to the board not later than December 31, 2006. Persons making this election may obtain up to five years of creditable service for prior service as a juvenile court judge by paying the full actuarial cost. No service may be used for purposes of this subsection which may also be used for credit in any state or local retirement system.
- Authored By: Rep. Ron Borders
- Special House Rules Applied: Open
- House Committee: Retirement
- **Yea**: 145 **Nay**: 6

HB0907 Wholesale Licensure and Prescription Medication Integrity Act; enact

- This bill introduces a rigorous and comprehensive licensing and inspection regime concerning wholesale distributors of prescription drugs. It institutes a \$100,000 bond that must be paid by applicants to cover the cost of the State Board of Pharmacy in administering such a regime. Licenses to operators are only issued after an exhaustive background check of the applicant and physical inspection of the facility. Also, the bill seeks to establish an iron-clad paper trail for all prescription drugs from manufacturer to wholesaler to pharmacist to patient, so as to ensure the pure quality of drugs consumed, as well as their legality. The bill as well mandates the creation of electronic pedigrees by 2007 which will modernize the tracking process for regulating prescription drugs in Georgia. Finally, the bill delineates specific illegal activities concerning drugs and sets fines and penalties.
- Authored By: Rep. Stacey Reece
- Special House Rules Applied: Open
- House Committee: Health & Human Services
- **Yea**: 163 **Nay**: 3

HB0910 Cemeteries and funeral services; amend certain provisions

- HB 910 creates a new licensing board, the State Board of Cemeterians, to license and regulate the cemetery owner industry. Aside from licensing cemetery owners, the main purpose of the Board will be to deal with all the issues and regulations involved in the existing Cemetery Act; HB 910 seeks to resolve the issues and recurring problems faced by Georgia cemeteries. HB 910 specifies that the Secretary of State, in making regulations under the cemetery laws, acts by and through the Board. Also, HB 910 adds a prohibition on unlicensed or unregistered people selling burial merchandise.
- Authored By: Rep. Carl Rogers
- Special House Rules Applied: Open
- House Committee: Regulated Industries
- **Yea**: 113 Nav: 37

HB0931 Ad valorem taxes; transfer of tax executions; amend certain provisions

Relates to revenue, so as to change the penalty for failure to pay ad valorem taxes; to provide for definitions; to provide for the transfer of tax executions; to provide for certain notices to taxpayers; to provide for the payment of such executions; to provide for certain procedures relative to such tax executions; to provide for the collection of such executions; to provide for certain charges; to prohibit the purchase of tax executions by certain persons; to provide for the manner of paying tax

executions held by absentee transferees; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

- Authored By: Rep. Wendell Willard- Special House Rules Applied: Open
- House Committee: Judiciary
- **Yea**: 57 **Nay**: 86
- This bill failed to receive a constitutional majority.

HB0953 Law enforcement officer; change definition

- A BILL to be entitled an Act to amend Code Section 45-9-81 of the Official Code of Georgia Annotated, relating to definitions relative to the Georgia State Indemnification Fund, so as to change the definition of law enforcement officer; to repeal conflicting laws; and for other purposes.
- Authored By: Rep. Jill Chambers
- Special House Rules Applied: Open
- House Committee: Appropriations
- **Yea**: 152 **Nay**: 0

HB1160 Taxable net income; certain companies; provide adjustments

- The purpose of this bill is to allow for a Georgia individual resident who is a partner in a partnership, or a member of an LLC taxed as a partnership, or a single member of an LLC to which is disregarded for federal income tax purposes to make adjustments to the federal adjusted gross income for the entity's income taxed in another state which imposes on the entity a tax on or measured by income. Adjustments are only allowed for the portion of the income on which the tax was actually paid by such entity. In a multi-tiered situation, the adjustment shall be determined by allocating the income between the share-holders, partners, and members at each tier based upon their profit/loss percentage. This bill applies to all taxable years beginning on or after January 1, 2006.
- Authored By: Rep. David Knight
- Special House Rules Applied: Structured
- House Committee: Ways & Means
- **Yea**: 149 **Nay**: 1

HB1216 All-terrain vehicles; law enforcement agencies; allow use

- This bill would provide allow law enforcement officer to operate All-Terrain Vehicles on public roads.
- Authored By: Rep. Allen Freeman
- Special House Rules Applied: Structured
- House Committee: Motor Vehicles
- **Yea**: 155 **Nay**: 2

HB1239 Education; annual instruction in criminal law; require

- This bill provides for annual instruction in grades six, eight, and ten about the criminal law of Georgia as it relates to schoolaged children. The annual instruction shall include an emphasis on sexual offenses and on crimes for which a minor can be charged with a felony and tried as an adult. It provides for this instruction to be delivered in a classroom, as a portion of an appropriate course, with an assessment which shall count towards the students' grades. It further provides for a manual for instruction, rules and regulations, and a time frame for implementation.
- Authored By: Rep. Ed Setzler
- Special House Rules Applied: Open
- House Committee: Education
- **Yea**: 116 Nay: 41

HB1279 Probate court; certain employees; state health benefit plan; provisions

- A BILL to be entitled an Act to amend Code Section 45-18-5 of the Official Code of Georgia Annotated, relating to county officers and employees' participation in the state health benefit plan, so as to provide sheriffs, tax commissioners, clerks of superior court, and judges of the probate court with the option of participating in the state health benefit plan for themselves and their dependents; to provide for the coverage of their dependents; to provide for the manner of exercising such option; to provide for related matters; to repeal conflicting laws; and for other purposes.
- Authored By: Rep. Mark Butler
- Special House Rules Applied: Open
- House Committee: Appropriations
- **Yea**: 139 **Nay**: 14

HB1294 Education; nonlapsing revenue of institutions; change certain provisions

- This bill provides that revenue collected by any or all university system institutions from departmental sales or services shall not lapse. Current law only allows for revenue collected by such institutions from continuing education or technology fees and indirect cost recoveries not to lapse. This section will be repealed on June 30, 2008. This bill further expands non-

lapsing revenue of institutions to include institutions under the Department of Technical and Adult Education. Current law only provides for university systems. This section will be repealed on June 30, 2008.

- Authored By: Rep. Bob Smith

- Special House Rules Applied: Structured

- House Committee: Ways & Means

- Yea: 162 Nay: 0

HB1323 Local government; infrastructure development districts; provide

- This bill creates the Georgia Smart Infrastructure Growth Act of 2006 which grants local governments the authority to approve the creation of Infrastructure Development Districts and provides for their powers and regulation.

- Authored By: Rep. Larry O'Neal

- Special House Rules Applied: Structured

- House Committee: Ways & Means

- **Yea**: 121 **Nay**: 37

HB1335 Law enforcement officer; hiring; first offender record; review

- Would permit law enforcement units to review first offender record information when hiring a law enforcement officer, and would permit consideration of first offender treatment when considering employment of a law enforcement officer.
- Authored By: Rep. Burke Day
- Special House Rules Applied: Open
- House Committee: Judiciary Non-Civil

- **Yea**: 161 **Nay**: 0

HB1372 State health benefit plans; termination of coverage; provisions

- A BILL to be entitled an Act to amend Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to employees' insurance and benefit plans, so as to provide for mechanisms for termination of coverage for nonpayment of premium; to provide for notification to employers; to provide for the introduction and consideration of bills impacting the state health benefit plans; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.
- Authored By: Rep. Ben Harbin
- Special House Rules Applied: Open
- House Committee: Appropriations

- **Yea**: 159 **Nay**: 0

HB1391 State Licensing Board for Residential and General Contractors; change provisions

- HB 1391 proposes several changes to the State Licensing Board for Residential and General Contractors, including:
- •Adding one member to serve under the residential contractor division board and one member to be eligible for a license
- •Allowing only one of the residential contractor members to perform residential-light commercial projects
- •Adding the provision that one member shall serve an initial term of one year
- •Extending the appointment date of the initial members to no later than July 1, 2006.
- Authored By: Rep. Mark Burkhalter
- Special House Rules Applied: Open
- House Committee: Regulated Industries
- **Yea**: 139 **Nay**: 0

HB1403 Sales and use tax; certifying additional municipalities; change provisions

- This bill redefines "new qualified municipality" to mean a municipal corporation that has increased its population by more than 15% through one or more annexation since the most recently filed certificate and is located in the same county as the qualified municipality. Such municipality will receive a total allocation of the local option sales tax proceeds equal on a per capita basis to the average per capita allocation to the other qualified municipalities in the county.
- Authored By: Rep. Chuck Martin
- Special House Rules Applied: Structured
- House Committee: Ways & Means
- **Yea**: 157 **Nay**: 5

HB1423 Gwinnett County; superior court; change terms

- This bill changes the terms of the Superior Court in Gwinnett County.
- Authored By: Rep. Clay Cox
- Special House Rules Applied: Open
- House Committee: Judiciary
- **Yea**: 162 **Nay**: 0

HB1497 Vicious dogs; requirements for owners; provide

- This bill creates "Mercedes' Law" to provide for the proper enclosure of vicious dogs and to provide procedures by which law enforcement can be made aware of the presence of vicious dogs in the community. The bill would make it unlawful for an owner of a vicious dog to allow the dog to be outside a proper enclosure unless the dog is on a leash and under the restraint of a responsible person. The bill would allow a vicious dog to be confiscated if the dog is not property maintained or restrained by a responsible person. Once the dog is confiscated his return to his owner is contingent upon the owner's compliance with the provisions created by the bill. If the dog is not returned to his or her owner within forty days the dog would be destroyed.
- Authored By: Rep. David Knight
- Special House Rules Applied: Open
- House Committee: Judiciary Non-Civil
- **Yea**: 155 **Nay**: 10

HB1501 County ordinance violations; maximum fines; change provisions

- Would allow municipalities to raise fines for violations of local alcohol ordinances from \$1,000.00 to \$2.500.00.
- Authored By: Rep. Ed Lindsey
- Special House Rules Applied: Open
- House Committee: Judiciary Non-Civil
- **Yea**: 96 **Nay**: 56

HB1542 Contractors; licensing requirements; extend date

- HB 1542 concerns residential and general contractors by extending the following dates:
- •Licensing requirements imposed by the chapter become effective July 1, 2008;
- •Persons must meet and apply to be licensed without examination by July 1, 2008;
- •Relating to licensure involving a reciprocal agreement, the new date would be: January 1, 2006 and continuing thereafter
- Authored By: Rep. David Ralston
- Special House Rules Applied: Open
- House Committee: Regulated Industries
- **Yea**: 161 **Nay**: 0

HR1339 Infrastructure development districts; General Assembly; authorize creation

- This resolution provides for an amendment to the Constitution which will authorize the General Assembly to provide by general law for the creation and comprehensive regulation of infrastructure development districts.
- Authored By: Rep. Larry O'Neal
- Special House Rules Applied: Structured
- House Committee: Ways & Means
- **Yea**: 136 **Nay**: 16

UNCONTESTED HOUSE/SENATE RESOLUTIONS

HR1109 Samuel Ernest Vandiver, Jr. Interchange; dedicate

- A Resolution honoring the life and lifetime achievements of the late Governor Samuel Ernest Vandiver, Jr., and dedicating the Samuel Ernest Vandiver, Jr., Interchange; and for other purposes.
- Authored By: Rep. Jeanette Jamieson
- Special House Rules Applied: Structured
- House Committee: Transportation
- **Yea**: 160 Nay: 1

HR1661 Hershel Stokes Memorial Overpass; dedicate

- Resolution celebrating the life of Noah Hershel Stokes and dedicating the Hershel Stokes Memorial Overpass.
- Authored By: Rep. Mark Hatfield
- Special House Rules Applied: Structured
- House Committee: Transportation
- **Yea**: 160 **Nay**: 1

* The House will reconvene Tuesday, March 14 at 1:00 pm for its 31st Legislative Day of the 2nd Regular Session of the 148th General Assembly.

COMMITTEE ON RULES

The Committee on Rules today has fixed the calendar for the 31st Legislative Day, Tuesday, March 14, as enumerated below, and can be called at the pleasure of the Speaker of the House.

<u>DEBATE CALENDAR</u>

<u>HR1661</u> Hershel Stokes Memorial Overpass; dedicate

- Resolution celebrating the life of Noah Hershel Stokes and dedicating the Hershel Stokes Memorial Overpass.
- Authored By: Rep. Mark Hatfield
- Special House Rules Applied: Structured
- House Committee: Transportation

State Flags; qualifying public safety officers killed in the line of duty; honor service (PF)

- This bill relates to provisions of state flags to honor Georgia Public Safety Officers who are killed in the line of duty. Also honors those who died following extended service to the public of this state. It is the duty of state or local agencies contact the Secretary of State's office for the purpose of providing state flag to the estate of a qualifying public safety officer (with knowledge of their death).
- Authored By: Sen. Seth Harp
- Special House Rules Applied: Open
- House Committee: Public Safety

SB0436 Technical/Adult Education, State Board of; meetings; change provisions

- This bill provides for certain changes in the provisions relating to the meetings of the State Board of Technical and Adult Education and further provides for an effective date.
- Authored By: Sen. Johnny Grant
- Special House Rules Applied: Open
- House Committee: Higher Education

COMMITTEE ACTION REPORT

DUE TO "CROSSOVER DAY", NO STANDING COMMITTEE MEETINGS TOOK PLACE

* Committee action reports are edited for this report. For full content, please contact the House Committee Services Office at 404-656-3206. Bills passing committees are reported to the Clerk's Office and are then placed on the General Calendar for Rules Consideration.

COMMITTEE BROADCAST SCHEDULE

TUESDAY, MARCH 14, 2006

9:00 am Economic Development & Tourism 506 CLOB

11:00 am Committee on Rules 341 CAP

* To view the committee broadcast, please the Georgia Legislative Network's link at www.legis.ga.gov

^{*} The Rules Committee will next meet on Tuesday, March 14 at 11:00 am to set the Debate Calendar for the 32nd Legislative Day.

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